IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7132 OF 2005

Dr. Neelkanth Namdeo Misal ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri R.V. More for the Applicant.
Ms S.D.Shinde, A.P.P. for the Respondent.

CRIMINAL APPLICATION NO.7133 OF 2005

Dr. Vaibhav Arvind Shah ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri R.V. More for the Applicant.
Shri R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 27, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant in both the Applications and the learned A.P.P. appearing in both the Applications. These Applications are made by the Applicants as they apprehend arrest at the hands of Local Crime Branch, Sangli. The Applications made by the Applicants before the Sessions Court for grant of Anticipatory Bail have been rejected. The learned Adhoc Additional Sessions Judge has noted that F.I.R. has not been registered against the Applicants.

2. The learned A.P.P. on instructions of the

concerned Investigating Officer stated that as regard the allegations against the Applicants the investigation is in progress and offence is likely to be registered after obtaining the permission of the District Collector.

3. Thus, till today offence has not been registered against the Applicants. However, there is every possibility that an offence will be registered. It is alleged in the Applications that the Applicant in both the Applications are qualified medical practitioners who are practising medicine. Considering the facts of the case, the Respondent-State will have to give seventy-two hours notice to the Applicants in the event the Respondent desires to arrest them in connection with the offences which may be registered.

4. Hence, Applications are disposed of by passing following order:

: O R D E R :

i) In the event the Respondent desires to arrest the Applicants, seventy-two hours clear advance notice will be given to the Applicants.

ii) It is obvious that if such notice is given, the Applicants will be entitled to file Applications for Anticipatory Bail before the appropriate Court and the said Applications, if made, will be decided on its own merits.

iii) Contentions of the parties on merits are kept open.

iv) Applications are disposed of in above terms.

v) Parties to act upon and authenticated copy of this order.

JUDGE